

MINUTES

MONTANA SENATE 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **CHAIRMAN DON HARGROVE**, on April 13, 2001 at 9:00 A.M., in Room 335 Capitol.

ROLL CALL

Members Present:

Sen. Don Hargrove, Chairman (R)
Sen. John C. Bohlinger, Vice Chairman (R)
Sen. Edward Butcher (R)
Sen. Pete Ekegren (R)
Sen. Jim Elliott (D)
Sen. Eve Franklin (D)
Sen. Ken Toole (D)

Members Excused: Sen. Fred Thomas (R)

Members Absent: None.

Staff Present: Lynette Brown, Committee Secretary
David Niss, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Executive Action: SR 7

{Tape : 1; Side : A; Approx. Time Counter : 0}

EXECUTIVE ACTION ON SR 7

SEN. DON HARGROVE told the committee **SEN. ED BUTCHER** had expressed concerns about **Mark Semmons**, Board of Regents. **SEN. HARGROVE** said he mistakenly gave the committee the wrong information and that an individual senator could have an

opportunity to segregate an appointee and **SEN. BUTCHER** could do that.

Motion: **SEN. BUTCHER** moved that **SR 7 BE RECONSIDERED**.

Discussion:

SEN. KEN TOOLE stated he took great offense at the previous comments from **SEN. BUTCHER** about **Mr. Semmons** not being objective and just dealing with the university system. He said the committee needed to look very carefully at the qualifications of people and to avoid making those judgements about people. **SEN. TOOLE** said he opposed the motion to reconsider.

SEN. HARGROVE stated **Mark Semmons** was an independent appointee from district 3. He said **Mr. Semmons'** current profession was an investment broker.

SEN. JOHN BOHLINGER told the committee he had called **Gary Buchanan**, from the D.A. Davidson firm in Billings. **Mr. Buchanan** had hired **Mark Semmons** at one time and found him to be a fine man. **Mr. Buchanan** expressed **Mr. Semmons** was a creative person, independent thinker and would be an ideal person for the position. He said **Mr. Semmons** would be a strong advocate for education.

SEN. HARGROVE said **SEN. BUTCHER** needed to be allowed to segregate **Mark Semmons** if he chose to. **SEN. HARGROVE** stated the purpose today was to segregate **Mark Semmons** and to allow a hearing.

SEN. TOOLE said the committee voted the previous day to recommend **Mark Semmons'** confirmation.

SEN. HARGROVE said **Mark Semmons** sounded like a fine gentleman on the phone.

SEN. PETE EKEGREN asked if the procedure of one governor picking appointees for another governor was a problem. If so, this could happen again, he added.

SEN. HARGROVE said one governor picking for another governor could be a problem; he added many of the appointees were for 7 year terms and the terms were staggered intentionally. **SEN. HARGROVE** recommended the interim committee study this issue.

SEN. FRANKLIN asked why the committee was reconsidering its actions on SR 7.

SEN. HARGROVE said he had mistakenly told the committee **Mark Semmons** was an appointee of **Gov. Martz**. He added that **SEN. BUTCHER** had asked to segregate **Mark Semmons**.

SEN. FRANKLIN asked **SEN. BUTCHER** what happened to make him choose to segregate **Mark Semmons**. **SEN. BUTCHER** answered he was not sure where he stood on this confirmation yet. He said he had some questions. **SEN. BUTCHER** added he had problems with the way education in Montana functioned. **SEN. BUTCHER** disapproved of members of the occupation being on the boards.

SEN. TOOLE stated **SEN. BUTCHER's** comments about **Mark Semmons** were inappropriate. He reiterated he would not support the motion to reconsider.

SEN. FRANKLIN asked where **Governor Martz** stood on this issue.

SEN. HARGROVE replied he did not know. He added he had mistakenly told the committee **Mr. Semmons** was an appointee of **Gov. Martz**.

SEN. FRANKLIN said she understood **SEN. HARGROVE's** concern about the process, but told the committee she was against the reconsideration. She added the committee's role was to look at the individual's qualifications. **SEN. FRANKLIN** stated she took offense in the way **SEN. BUTCHER** described his concern.

SEN. BUTCHER replied he did not know if he supported **Mr. Semmons** or not. He stated he wanted the committee to follow the procedure.

SEN. ELLIOTT stated he resisted the motion to reconsider for two reasons: (1) As far as the Governor's concerns, this resolution had been around for quite some time which allowed people plenty of time to voice concerns and if these people were not confirmed by the Senate, their terms could be legally challenged and could not be reappointed during this biennium, and (2) we already had a hearing in which **SEN. BUTCHER** was present. If he chose to segregate **Mr. Semmons**, he could have done so at that hearing. He added that this confirmation was passed out of committee unanimously. **SEN. ELLIOTT** said he was willing to reconsider the committee's action for any reasonable reason, but was not willing to reconsider at the request of one member of this committee who was present at the hearing.

SEN. BUTCHER said he did not know how he was going to vote on this issue yet, but had some concerns and therefore wanted a public hearing.

Vote: Motion that **RECONSIDER ACTIONS ON SR 7 BE ADOPTED failed 4-4 with Hargrove, Ekegren, Thomas, and Butcher voting aye.**

ADJOURNMENT

Adjournment: 9:35 A.M.

SEN. DON HARGROVE, Chairman

LYNETTE BROWN, Secretary

DH/LB

EXHIBIT (sts00aad)